

ZB# 73-35

Mid-Valley Petroleum

9-1-70.2

73-35 - Mid Valley Petroleum - Mr. Alsfeld.

Public Hearing
Dec. 17th - 8:30
Notified by Mr. Alsfeld.

All fees paid

file

GENERAL RECEIPT

Town of New Windsor, N. Y.

Nº 1739

1-2, 1924

Received of Pat Delio - Sec 2 BA \$ 25.00
Twenty-five and no/100 Dollars
 For Mid Valley Petroleum - Variance Application Fee

DISTRIBUTION:

FUND	CODE	AMOUNT
Mid Valley		
Petroleum		
Ch# 06174		

WILLIAMSON LAW BOOK CO., ROCHESTER, N. Y 14609

Town Clerk
TITLE

BY Julia M. Tuckash (jr.)

9-1-10, 24

PUBLIC NOTICE
OF HEARING BEFORE
THE ZONING BOARD OF APPEALS
 PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Town of New Windsor, New York will hold a public hearing pursuant to Section 48-33 A, of the Zoning Ordinance on the following proposition
 Appeal No 35
 Request of Mid-Valley Petroleum for a Variance of the regulations of the Zoning Ordinance, to permit construction of an oil storage tank 45 ft in height, being a Variance of Article IV, Section 48-14, for property owned by him, situated as follows: located on River Road adjacent to Mobil Oil Company, Town of New Windsor, New York.
 SAID HEARING will take place on the 17th day of Dec. 1973, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N.Y. beginning at 8:30 o'clock P.M.
FRED WYGANT
 Chairman
 By Patricia DeLo Secy

State of New York
County of Orange, ss:

Olga Trachewsky, being duly sworn deposes and she **Principal Clerk** says that **Lexis** of **Newburgh-Beacon News Co., Inc., Publisher of The Evening News.** a daily newspaper published and of general circulation in the Counties of Orange and Dutchess, and that the notice of which the annexed is a true copy was published
 One Time

 in said newspaper, commencing on the **7th** day of **December** **A.D., 19 73**, and ending on the **7th** day of **December** **A.D., 19 73**

Subscribed and sworn to before me this
10th day of **December 19. 73**

Olga Trachewsky

Walter S. Siroff

.....
Notary Public of the State of New York, County of Orange.
MY COMMISSION EXPIRES MARCH 30, 19 75

Adopted 12/20/65

APPLICATION FOR VARIANCE

Application No. 73-35

Date: December 12, 1973

TO THE ZONING BOARD OF APPEALS OF THE TOWN OF NEW WINDSOR, NEW YORK

I (We) Mid-Valley Petroleum Corporation of 1 South Water Street
(Street & Number)

Newburgh, Orange County

New York
(State)

HEREBY MAKE

APPLICATION FOR A VARIANCE:

- A. Location of the Property River Road Section #9 Block #1 Lot 70.2, General Industry
(Street & Number) (Zone)
- B. Provision of the Zoning Ordinance Applicable: (Indicate the article, section, sub-section and paragraph of the Zoning Ordinance applicable, by number. Do not quote the ordinance.) Article III Section 48-13 Subsection B Paragraph (2)

C. NOTE: NECESSARY FINDINGS: Before any Variance is granted, the Zoning Board of Appeals must find all of the following conditions to be present:

1. Conditions and circumstances are unique to the applicant's land, structure or building and do not apply to the neighboring lands, structures or buildings in the same zone because: the Ordinance as it exists would not allow
Mid-Valley Petroleum to erect a tank of justifiable height and size and would not
permit economic use of its land and to adequately supply the fuel needs of the
community. The set back would then become 100' not leaving enough room to erect
the tank.
2. Strict application of the provisions of this ordinance would deprive the applicant of a reasonable use of the land, structure or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structures or buildings in the same zone because: the construction of a new tank is an addition
to Mid-Valley Petroleum's present tanker terminal storage. Tanker terminal adjacent
to applicants land currently have tanks of equal height and in some cases higher
plus buildings of which are of greater height.
3. The unique conditions and circumstances are not the result of actions taken of the applicant subsequent to the adoption of the Ordinance because: the parcel
has never been developed by the applicant and thus has not created prior conditions.

4. Relief, if approved, will not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance because: The area is a tanker terminal area as approved in the General Industries area and the height restriction as outlined in the Zoning Ordinance is not consistent with terminal in this area.

5. Relief, if approved, will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zone because: The adjacent and surrounding area consists of tanker terminal storage of equal height or higher structures.

D. Describe in detail how the property is to be used and submit plans or sketches in duplicate.

Erection of a petroleum storage tank at Mid-Valley Petroleum Corporation's existing tanker terminal.

E. Application to be accompanied by two checks, one payable to the Town of New Windsor in the amount decided by the Board and the second check payable to the Secretary for taking the public hearing minutes. Applications to be returned to: Secretary of ZBA.

F. NOTICE OF HEARING: Applicant agrees to send notice of any public hearing via registered or certified mail to all abutting land owners as required by Sec. 9.4.1. of the Ordinance.

G. If the property in question is located within a radius of 500 ft. of an adjoining municipality, the Board should be notified. Also, have your attorney check Sec. 239 l&M of the Gen. Municipal Law to see if it applies. If so, notify the Orange County Planning Board by sending them an application.

Dated: 12-7-73

MID-VALLEY PETROLEUM CORPORATION

Charles F. Hutchinson
Signature of Applicant
Charles F. Hutchinson, President

STATE OF NEW YORK) SS.:
COUNTY OF ORANGE)

Sworn to on this 7 day of December, 1973.

P O Box 488, Newburgh, New York
Address

561-4000

Telephone Number

E. Graham Conover
(Notary Public)
E. GRAHAM CONOVER
Notary Public, State of New York
County of Orange
Commission Expires April 30, 1975
Notary Reg No. 0735500

(DO NOT WRITE IN THIS SPACE)

Application No. _____
Date of Hearing _____
Date of Decision _____

Date Received _____
Notice Published _____

DECISION:



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

December 4, 1973

Yanko, Leonard
78 Bridge Street
Newburgh, New York 12550

Mobil Oil Corp.
% K.J. Hillig
670 White Plains Road
Scarsdale, New York 10583

National Bank of Commerce
P.O. Box 2249
Dallas, Texas 75221

Sam & Irvs Inc.
P.O. Box 488
Newburgh, New York 12550

The United States of America
Naval Reserve
% George Herzochon
Head Operation Branch
Real Estate Div. -Naval Facilities
Eng. Command
Philadelphia, Pa. 19112

Ruscitti, Joseph, Inc.
22 Clintonwood Drive
New Windsor, N.Y. 12550

Affron Tank Terminals, Inc.
River Road
M.D.#14
New Windsor, N.Y. 12550

Respectfully submitted,

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

December 5, 1973

Orange County Planning Board
County Office Building
Goshen, New York

ATTN: Mr. Peter Garrison

Dear Mr. Garrison

I am writing to you at the suggestion of the New Windsor Zoning Board. Mid-Valley Petroleum Corporation has an emergency project request to erect a 150,000 barrel fuel storage tank at our existing tanker terminal on the Hudson River, in New Windsor, New York just south of the City of Newburgh.

I am sure you are aware of the energy crisis at hand and the shortage of #2 heating oil in particular. Mid-Valley is a sizeable fuel supplier to the State of New York, local municipalities, school districts, hospitals and retailers. A partial list is as follows:

New York State contractor for Orange County
New York State contractor for Putnam County
Orange County Department of Public Works
Orange County Community College
Warwick State Training School for Boys
Middletown School District
Monticello Central School District
Valley Central School District
Poughkeepsie School District
Wappingers Central School District
Arlington Central School District
Spackenkill School District
Hyde Park Central School District
Highland Falls School District
Beacon School District
St Francis Hospital
Arden Hill Hospital
Holy Cross Rehabilitation Center

In order to adequately supply these accounts with fuel during the current heating season, Mid-Valley Petroleum must undertake this emergency tank building project immediately. Product has been made available to us to be taken under our allocation and without this additional storage capacity we will not be able to accept this product and the product allocation will be lost to Mid-Valley. We, therefore, must have the tank ready for operation no later than February 1, 1974.

We have applied to the local zoning board and have been assured of a speedy reply to our application on this project if we can get the Orange County Planning Board approval prior to the New Windsor Zoning Board Meeting of December 17, 1973. ?

As you can see, time is of the essence and we will certainly appreciate your help in expediting this matter.

Thank you for your cooperation.

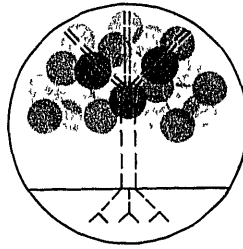
Sincerely yours,

MID - VALLEY PETROLEUM CORPORATION

CFH:aec

Charles F. Hutchinson

Department of Planning



County of Orange

Peter Garrison, AIP, Commissioner
Edwin J. Garling, AIP, Deputy Commissioner

The County Building
Goshen, New York 10924
(914) 294-5151

Louis V. Mills, County Executive

(Our File No. NWT-73-38-M)

December 12, 1973

Mr. Fred Wygant
% Mrs. Patricia Delio
7 Franklin Avenue
New Windsor, New York 12550

Re: Variance of Mid-Valley
Petroleum

Dear Mr. Wygant:

We are in receipt of the above application and have reviewed it, in accordance with the provisions of the General Municipal Law, Section 239, 1 and m. Our comments are as follows:

1. Upon site inspection, it was evident that some of the existing storage tanks in the area were in excess of the Town's zoning requirement for height restriction. However, there was no structure as big as the proposed storage tank placed so close to a public road. We believe this to be the crux of the issue. We feel an acceptable alternative would be to limit the height of the proposed storage tank to 25 feet and build a second tank of similar size on the remaining portion of the parcel. In this case, the applicant could store his surplus; the Town's law would be upheld; and, most importantly, the Town could begin to set the tone for future expansion of this area instead of being left with a law it could not enforce.
2. Furthermore, since the potential hazards of the area are obvious, perhaps a retention berm could be installed between the tanks and the road. Should a rupture or other hazard occur, expedient measures may save half of the surplus instead of severe losses resulting from all surplus being stored in one tank.

(Our File No. NWT-73-38-M)
Mr. Fred Wygant

-2-

December 12, 1973

We feel compelled to deny this request for variance because other alternatives have not been questioned and because the Town would set an unwise precedent. Should the Town feel compelled to accept the proposal as it now stands, precautions should be taken to prevent any potential hazard from spreading or spilling onto River Road

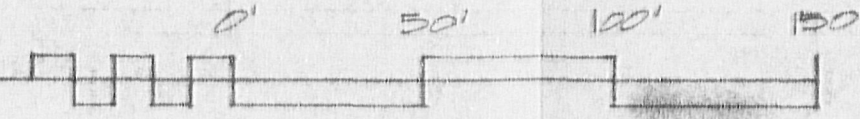
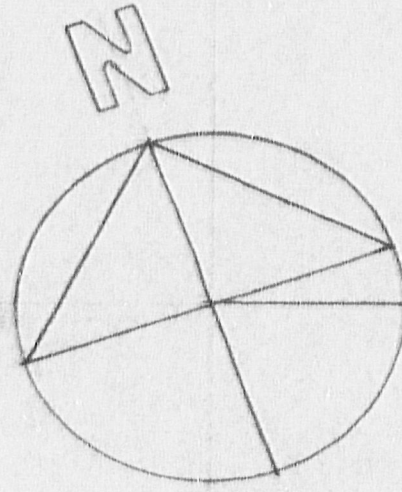
Finally, because the time element seems to be a factor, we will be ready to offer our assistance to you in the future regarding any alternative proposals.

Very truly yours,



Edwin J. Garling
Deputy Commissioner of Planning

EJG:mj
Reviewed by:
Thomas Markowski
Planner



PROPOSED PETROLEUM
STORAGE TANK 150' DIA
45' HIGH - 150,000 BBL

N/F EXXON MOBIL OIL COMPANY

N/F ALLIED CHEMICAL & DYE CO.

EXISTING TANK SCHEDULE		
No.	Size	Capacity
1	78'Ø x 30' High	25,000 Barrels
2	78'Ø x 50' High	25,000 Barrels
3	78'Ø x 30' High	25,000 Barrels
4	36'Ø x 30' High	5,500 Barrels
5	60'Ø x 48'-9" High	25,000 Barrels
6	70'Ø x 40' High	25,000 Barrels
7	35'Ø x 35' High	6,000 Barrels
8	35'Ø x 35' High	6,000 Barrels
9	25'Ø x 23' High	2,000 Barrels
10		10,000 Gallons
11		20,000 Gallons

N/F U.S. NAVY DEPT.

NEWBURGH-NEW WINDSOR COUNTY HWY.

PENN-CENTRAL RAILROAD

N/F EXXON MOBIL OIL COMPANY

VERPLANK AVE.

QUONSET BUILDING

ONE STORY
WING BUILDING

FUEL OIL

GAS

RIVER

HUDSON

14-PILE CLUSTER

PIER TO TANKER
MOORING

34-PILE CLUSTER

SHORE LINE

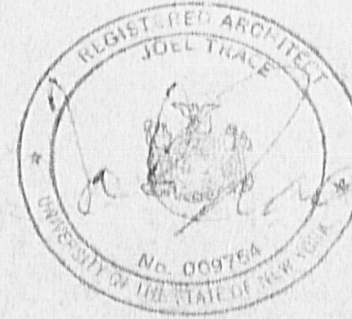
APPROX. LINE OF CHANNEL BANK

[5.247 ± ACRES] (1)

[7.76 ± ACRES] (2)

Note: Site Information Taken From Survey prepared by
A.V.D. Wallace Jr., C.E., dated March 17, 1970
and revised October 9, 1971.

Site Data: Acreage -
Parcel 1 - 5.246
Parcel 2 - .966
Parcel 3 - 3.136
Total - 12.348 Acres
Zone - GI (General Industry)



401 S. WATER ST. NEWBURGH, N.Y.

PROPOSED TANK FOR: MIDVALLEY PETROLEUM CORP.	
SCALE: 1" = 50'	APPROVED BY:
DATE: 11/28/72	DRAWN BY: JT/MD
TOWN OF NEW WINDSOR ORANGE COUNTY, NEW YORK	
SITE PLAN	
DRAWING NUMBER: 1271	